

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<p>SUSAN J. ANSELL,</p>	<p>)</p>	
	<p>)</p>	
<p>Plaintiff,</p>	<p>)</p>	<p>2:05-cv-505</p>
<p>v.</p>	<p>)</p>	
	<p>)</p>	
<p>MICHAEL JANKOVIC FARM SERVICE AGENCY,</p>	<p>)</p>	
	<p>)</p>	
<p>Defendant.</p>	<p>)</p>	

ORDER OF COURT

On May 17, 2005, Plaintiff, acting *pro se*, filed a Complaint against defendant Michael Jankovic Farm Service Agency. Plaintiff failed to serve the summons and complaint upon defendant within 120 days after the filing of the complaint. On February 24, 2006, the Court ordered that Plaintiff show good cause why the complaint should not be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) and Local Rule 103.8.a. Document No. 4. Plaintiff sent a response thereto to the Court in the form of a letter, which was filed of record. Document No. 5. The letter, which is dated March 11, 2006, states that Plaintiff would have a local constable serve a summons upon Michael Jankovic, and that copies of the summons would be sent to the Clerk of Courts and the Office of Attorney General in Washington, D.C. However, the docket does not reflect the Clerk of Court has issued a summons, or that Defendant has been served with a summons and a copy of the Complaint. *See* Federal Rule of Civil Procedure 4(b) (governing the issuance of a summons); *see also* Federal Rule of Civil Procedure 4(i) (governing service of process upon the United States, its agencies, corporations, officers or employees) *and* Federal Rule of Civil Procedure 4(l) (governing the *requirement* of proof of service of process if service is not waived).

NOW THEREFORE, this 28th day of July, in light of Plaintiff's failure to properly effectuate service of process upon Defendant in accordance with the requirements of Federal

Rule of Civil Procedure 4, it is hereby ORDERED that Plaintiff shall do so on or before **August 25, 2006**. If Plaintiff fails to do so, this case shall be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) and Local Rule 103.8.a.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: Susan J. Ansell
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